

Notice of Allowability

Application No.

10/562,420

Applicant(s)

TAKANO ET AL.

Examiner

Art Unit

JOHN B. STREGE

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 4/03/08.
2. ☒ The allowed claim(s) is/are 1,4,7 and 27-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/21/08</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>8/03/06, 12/27/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth A. Clark Reg.# 32,119 on 05/28/08.

The application has been amended as follows:

Claim 1 (currently amended): An eye form classification method comprising classifying eye forms by using, as indexes, three forms, namely, an eye frame form showing the shape of the eye contour, an eye form showing the three-dimensional shape of the eye, and an angle form of the inner corner and outer edge of the eye, wherein the eye forms are classified by comparison with a standard balanced eye form, said method further comprising evaluating the eye frame form and the angle form by computer-aided image processing based on the deviation between the contour of the frame form of the standard balanced eye form and the contour of the frame form of an eye of a subject of makeup by superimposing them relative to size and positions of irises of the both.

Claims 2-3 (canceled)

Claim 4 (currently amended): The eye form classification method according to claim 1 wherein differences from the standard balanced eye are identified and the eye forms are classified by representing the standard balanced eye form on a transparent sheet object, and comparing the transparent sheet object with the standard balanced eye form represented on the transparent sheet object.

Claims 5-6 (canceled)

Claim 7 (currently amended): The eye form classification method according to claim ~~2~~ 1 wherein a position on an eye form classification map is identified by superimposing a transparent sheet object on which the standard balanced eye form is represented on an eye of a makeup subject, relative to size and positions of the irises.

Claims 8-26 (canceled)

Claim 27 (currently amended): The eye form classification method according to claim 1 wherein a contour of a frame form of the standard balanced eye and a contour of a frame form of the eye of the makeup subject are superimposed relative to size and positions of the irises of the frame form, the standard balanced eye and the contour of a frame form of the eye, differences in the balance of the eyes of the both are identified through computer image processing of the frame form and the angle form, and eye

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makeup is applied to bring the balance of the eye form of the makeup subject closer to the balance of the standard balanced eye form and, wherein the frame form is the outline shape of the eye contour comprising the eyelash line of the upper and lower eyelids.

Claim 28 (previously presented): The eye form classification method according to claim 1 wherein an eye form is an uneven shape of eyelid grooves and puffy upper and lower eyelids.

Claim 29 (previously presented): The eye form classification method according to claim 1 wherein an eye angle form is the angle between a diagonal connecting the inner corner and the outer edge and a horizontal line passing through the inner corner of the eye.

Claim 30 (previously presented): The eye form classification method according to claim 1 wherein the standard balanced eye form has a frame form in which a ratio of the eye contour vertical dimension to an eye contour horizontal dimension is one to three.

Claim 31 (previously presented): The eye form classification method according to claim 1 wherein the standard balanced eye form has an eye form having a fluent curve from an eyebrow arch bone to a cheekbone.

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Claim 32 (previously presented): The eye form classification method according to claim 31 wherein that the standard balanced eye form has an eye form in which the ratio of the width of an eye contour vertical dimension to a width from an upper rim of an eye contour to the eyebrow is one to one.

Claim 33 (currently amended): The eye form classification method according to claim 1 wherein the standard balanced eye form and the eye form of a make up subject have an angle between a diagonal connecting an inner corner with an outer edge and a horizontal line passing through an inner corner of the standard balanced eye form which is between ~~and~~ or equal to 9 degrees and 11 degrees.

Claim 34 (previously presented): The eye form classification method according to claim 33 wherein the angle of the angle form is 10 degrees.

Claim 35 (previously presented): The eye form classification method according to claim 1 wherein the standard balanced eye form has a frame form in which a ratio of an eye contour vertical dimension to an eye contour horizontal dimension is one to three, and an eye form in which a width of the eye contour vertical dimension and a width from an upper rim of the eye contour to the eyebrow has the one-to-one balance.

Claim 36 (previously presented): The eye form classification method according to claim 1 wherein the standard balanced eye form has a frame form in which a ratio of an eye

contour vertical dimension to an eye contour horizontal dimension is one to three, an eye form in which there is no conspicuous unevenness in shape of upper and lower eyelids, a curve from an eyebrow arch bone to a cheekbone is fluent, and balance between a width of the eye contour vertical dimension and the width from an upper rim of the eye contour to an eyebrow is one to one, and an angle form between a diagonal connecting an inner eye with an outer edge and a horizontal line passing through the inner corner is 10 degrees.

Claim 37 (previously presented): The eye form classification method according to claim 30 wherein eye grooves that are eyelid grooves are intermediate between a double-edged shape and a hidden double-edged shape and grooves at an inner corner are narrow and those at an outer edge are wide.

Election/Restrictions

2. Applicant's election without traverse of Group I in the reply filed on 04/03/08 is acknowledged.

Allowable Subject Matter

3. Claims 1,4,7, and 27-37 are allowed.

The following is an examiner's statement of reasons for allowance: None of the prior art discloses in combination with the other limitations of the claim an eye form classification method wherein the eye forms are classified by comparison with a standard balanced eye form, said method further comprising evaluating the eye frame

form and the angle form by computer-aided image processing based on the deviation between the contour of the frame form of the standard balanced eye form and the contour of the frame form of an eye of a subject of makeup by superimposing them relative to size and positions of irises of the both.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0053663 Method and Computer Program Product for locating facial features.

US 7,146,983 Iris Recognition and tracking for optical treatment.

US 5,495,338 Process for making up the face, particularly the eyes, and device for carrying it out.

US 7,123,753 Mascara Selecting Method, System, and Counseling Tool.

US 7,079,158 Virtual Makeover System and Method.

US 6,937,755 Make-up and fashion accessory display and marketing system.

US 6,091,836 Method for classifying features and a map representing the features.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. STREGE whose telephone number is (571)272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

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